

**U.S. District Court
California Northern District (Oakland)
CIVIL DOCKET FOR CASE #: 4:11-cv-05221-YGR**

Electronic Frontier Foundation v. Department of Justice
Assigned to: Hon. Yvonne Gonzalez Rogers
Cause: 05:552 Freedom of Information Act

Date Filed: 10/26/2011
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff**Electronic Frontier Foundation**

represented by **Jennifer Ann Lynch**
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V.

Defendant**Department of Justice**

represented by **Steven Yale Bressler**
U.S. Department of Justice
Civil Division, Federal Programs Branch
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Date Filed	#	Docket Text
10/26/2011	<u>1</u>	COMPLAINT for Injunctive Relief for Violation of the Freedom of Information Act against Department of Justice (Filing fee \$350, receipt number 34611066219). Filed by Electronic Frontier Foundation. (cjl, COURT STAFF) (Filed on 10/26/2011) (Additional attachment(s) added on 11/1/2011: # <u>1</u> Civil Cover Sheet) (vlk, COURT STAFF). (Entered: 10/26/2011)
10/26/2011	<u>2</u>	Summons Issued as to Department of Justice. (cjl, COURT STAFF) (Filed on 10/26/2011) (vlk, COURT STAFF). (Entered: 10/26/2011)
10/26/2011	<u>3</u>	ADR SCHEDULING ORDER: Case Management Statement due by 2/1/2012. Case Management Conference set for 2/8/2012 01:30 PM in Courtroom 4, 3rd Floor, Oakland. (Attachments: # <u>1</u> Standing Order)(cjl, COURT STAFF) (Filed on 10/26/2011) (Entered: 10/26/2011)

10/27/2011	<u>4</u>	SUMMONS Returned Executed (FOIA) by Electronic Frontier Foundation. Department of Justice served on 10/26/2011, answer due 11/28/2011. <i>as to US Attorneys Office</i> (Lynch, Jennifer) (Filed on 10/27/2011) (Entered: 10/27/2011)
10/27/2011	<u>5</u>	SUMMONS Returned Executed (FOIA) by Electronic Frontier Foundation. <i>as to DOJ</i> (Lynch, Jennifer) (Filed on 10/27/2011) (Entered: 10/27/2011)
10/27/2011	<u>6</u>	SUMMONS Returned Executed (FOIA) by Electronic Frontier Foundation. <i>as to Attorney General of US</i> (Lynch, Jennifer) (Filed on 10/27/2011) (Entered: 10/27/2011)
11/03/2011	<u>7</u>	NOTICE of Appearance by Steven Yale Bressler (Bressler, Steven) (Filed on 11/3/2011) (Entered: 11/03/2011)
11/03/2011	<u>8</u>	Declination to Proceed Before a Magistrate Judge and Request for Reassignment to a United States District Judge filed by Department of Justice (Bressler, Steven) (Filed on 11/3/2011) Modified on 11/4/2011 (vlk, COURT STAFF). (Entered: 11/03/2011)
11/03/2011	<u>9</u>	AMENDED COMPLAINT for <i>Injunctive Relief for Violation of the Freedom of Information Act</i> against Department of Justice. Filed by Electronic Frontier Foundation. (Lynch, Jennifer) (Filed on 11/3/2011) (Entered: 11/03/2011)
11/04/2011	<u>10</u>	CLERK'S NOTICE of Impending Reassignment to U.S. District Judge (ig, COURT STAFF) (Filed on 11/4/2011) (Entered: 11/04/2011)
11/08/2011	<u>11</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Hon. Saundra Brown Armstrong for all further proceedings. Magistrate Judge Donna M. Ryu no longer assigned to the case. Signed by the Executive Committee on November 8, 2011. (cjl, COURT STAFF) (Filed on 11/8/2011) (Entered: 11/08/2011)
11/09/2011	<u>12</u>	CASE MANAGEMENT SCHEDULING ORDER FOR REASSIGNED CIVIL CASES: Case Management Conference set for 2/8/2012 03:00 PM., via Telephone. Signed by Judge Saundra Brown Armstrong, on 11/9/11. (lrc, COURT STAFF) (Filed on 11/9/2011) Modified on 11/9/2011 (jlm, COURT STAFF). (Entered: 11/09/2011)
11/22/2011	<u>13</u>	STIPULATION Setting Deadline for Defendant to Respond to the First Amended Complaint, filed by Department of Justice, Electronic Frontier Foundation. (Bressler, Steven) (Filed on 11/22/2011) Modified on 11/23/2011 (jlm, COURT STAFF). (Entered: 11/22/2011)
12/05/2011	<u>14</u>	ANSWER to Amended Complaint by Department of Justice. (Bressler, Steven) (Filed on 12/5/2011) (Entered: 12/05/2011)
01/06/2012	<u>15</u>	NOTICE of Appearance of Mark Thomas Rumold as Counsel, filed by Electronic Frontier Foundation (Rumold, Mark) (Filed on 1/6/2012) Modified on 1/9/2012 (jlm, COURT STAFF). (Entered: 01/06/2012)
01/18/2012	<u>16</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Hon. Yvonne Gonzalez Rogers for all further proceedings. Judge Hon. Saundra Brown Armstrong no longer assigned to the case. Signed by Judge Gonzalez Rogers on 1/18/12. (vlk, COURT STAFF) (Filed on 1/18/2012) (Entered: 01/18/2012)
01/18/2012	<u>17</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Rumold, Mark) (Filed on 1/18/2012) (Entered: 01/18/2012)
01/18/2012	<u>18</u>	NOTICE of need for ADR Phone Conference (ADR L.R. 3-5 d) (Rumold, Mark) (Filed on 1/18/2012) (Entered: 01/18/2012)
01/23/2012		ADR Clerk Notice Setting ADR Phone Conference on 2/6/12 at 11:30 a.m. Pacific. The court will provide instructions for connecting to the call in a separate notice to the parties. (TEXT ONLY DOCKET ENTRY) (sgd, COURT STAFF) (Filed on 1/23/2012) (Entered: 01/23/2012)
01/27/2012	<u>19</u>	JOINT CASE MANAGEMENT STATEMENT filed by Electronic Frontier Foundation, Department of Justice. (Rumold, Mark) (Filed on 1/27/2012) Modified on 1/30/2012 (jlm, COURT STAFF). (Entered: 01/27/2012)

01/31/2012	<u>20</u>	ORDER Case Management Conference set for Monday, 3/12/2012 02:00 PM before Judge Yvonne Gonzalez Rogers in a designated courtroom in the Oakland Courthouse. Signed by Judge Yvonne Gonzalez Rogers on 1/31/2012. Parties are ordered to submit an updated Joint Case Management Statement and a joint discovery plan no less than 14 days prior to the conference.(fs, COURT STAFF) (Filed on 1/31/2012) (Entered: 02/01/2012)
02/06/2012		ADR Remark: ADR Phone Conference held by GDB on 2/6/12. (sgd, COURT STAFF) (Filed on 2/6/2012) (Entered: 02/06/2012)
02/10/2012	<u>21</u>	STIPULATION WITH PROPOSED ORDER Regarding Processing of FOIA Requests, filed by Electronic Frontier Foundation, Department of Justice. (Rumold, Mark) (Filed on 2/10/2012) Modified on 2/13/2012 (jlm, COURT STAFF). (Entered: 02/10/2012)
02/16/2012	<u>22</u>	ORDER GRANTING STIPULATION REGARDING PROCESSING OF FOIA REQUESTS by Judge Yvonne Gonzalez Rogers granting <u>21</u> Stipulation. (fs, COURT STAFF) (Filed on 2/16/2012) (Entered: 02/16/2012)
02/22/2012	<u>23</u>	STIPULATION WITH PROPOSED ORDER to Postpone Initial Case Management Conference re <u>20</u> Order, filed by Department of Justice, Electronic Frontier Foundation. (Bressler, Steven) (Filed on 2/22/2012) Modified on 2/23/2012 (jlm, COURT STAFF). (Entered: 02/22/2012)
02/23/2012	<u>24</u>	ORDER RESETTING CASE MANAGEMENT CONFERENCE Initial Case Management Conference set for 3/12/2012 is VACATED. Case Management Conference is now set for 8/20/2012 02:00 PM.. Signed by Judge Yvonne Gonzalez Rogers on 2/23/2012. (fs, COURT STAFF) (Filed on 2/23/2012) (Entered: 02/23/2012)
03/12/2012	<u>25</u>	STIPULATION WITH PROPOSED ORDER to Modify FOIA Processing Schedule re <u>22</u> Order on Stipulation filed by Department of Justice, Electronic Frontier Foundation. (Bressler, Steven) (Filed on 3/12/2012) Modified on 3/13/2012 (jlm, COURT STAFF). (Entered: 03/12/2012)
03/15/2012	<u>26</u>	ORDER by Judge Yvonne Gonzalez Rogers granting <u>25</u> Stipulation (fs, COURT STAFF) (Filed on 3/15/2012) (Entered: 03/15/2012)
08/01/2012	<u>27</u>	JOINT STATUS REPORT, filed by Electronic Frontier Foundation, Department of Justice. (Rumold, Mark) (Filed on 8/1/2012) Modified on 8/2/2012 (jlm, COURT STAFF). (Entered: 08/01/2012)
08/02/2012	<u>28</u>	STIPULATION WITH PROPOSED ORDER Requesting Postponement of the Initial Case Management Conference Currently Set for August 20, 2012, filed by Department of Justice, Electronic Frontier Foundation. (Bressler, Steven) (Filed on 8/2/2012) Modified on 8/3/2012 (jlm, COURT STAFF). (Entered: 08/02/2012)
08/06/2012	<u>29</u>	JOINT CASE MANAGEMENT STATEMENT, filed by Electronic Frontier Foundation. (Rumold, Mark) (Filed on 8/6/2012) Modified on 8/7/2012 (jlm, COURT STAFF). (Entered: 08/06/2012)
08/06/2012	<u>30</u>	Certificate of Interested Entities by Electronic Frontier Foundation (Rumold, Mark) (Filed on 8/6/2012) (Entered: 08/06/2012)
08/07/2012	<u>31</u>	ORDER by Judge Yvonne Gonzalez Rogers GRANTING <u>28</u> Stipulation to Continue Case Management Conference. The 8/20/2012 Case Management Conference is VACATED. Compliance Hearing is set for Friday, 8/31/12 at 9:01am. Signed by Judge Yvonne Gonzalez Rogers, on 08/07/12 (fs, COURT STAFF) (Filed on 8/7/2012) Modified on 8/8/2012 (jlm, COURT STAFF). (Entered: 08/07/2012)
08/22/2012	<u>32</u>	Letter to Judge Yvonne Gonzalez Rogers re request for a pre-filing conference pursuant to Paragraph 9(a) of the Court's Standing Order In Civil Cases, from Steven Y. Bressler, counsel for the Department of Justice, dated 08/22/12 . (Bressler, Steven) (Filed on 8/22/2012) Modified on 8/23/2012 (jlm, COURT STAFF). (Entered: 08/22/2012)

08/24/2012	<u>33</u>	Letter from Mark Rumold, counsel for Plaintiff, to Judge Yvonne Gonzalez Rogers re: Request for a Pre-Filing Conference. (Rumold, Mark) (Filed on 8/24/2012) (Entered: 08/24/2012)
08/29/2012	<u>34</u>	ORDER RE MOTION AND CROSS-MOTION FOR SUMMARY JUDGMENT. The Compliance Hearing set for Friday, August 31, 2012 is VACATED. Signed by Judge Yvonne Gonzalez Rogers on 8/29/12. (fs, COURT STAFF) (Filed on 8/29/2012) (Entered: 08/29/2012)
10/23/2012	<u>35</u>	STIPULATION WITH PROPOSED ORDER to Set Summary Judgment Briefing Schedule and Hearing Date, filed by Electronic Frontier Foundation, Department of Justice. (Rumold, Mark) (Filed on 10/23/2012) Modified on 10/24/2012 (jlm, COURT STAFF). (Entered: 10/23/2012)
10/24/2012	<u>36</u>	ORDER by Judge Yvonne Gonzalez Rogers granting <u>35</u> Stipulation to set Summary Judgment Briefing and Hearing (fs, COURT STAFF) (Filed on 10/24/2012) (Entered: 10/25/2012)
10/24/2012		Set/Reset Deadlines as to Motion Filed 11/9/12; Responses and Cross Motion due by 12/7/2012. Replies and Oppositions due by 12/27/2012; Plaintiff's Reply filed 1/11/13; Motion Hearing set for 2/12/2013 02:00 PM in Courtroom 5, 2nd Floor, Oakland before Hon. Yvonne Gonzalez Rogers. (fs, COURT STAFF) (Filed on 10/24/2012) (Entered: 10/25/2012)
11/02/2012	<u>37</u>	STIPULATION WITH [PROPOSED] ORDER re <u>36</u> to Extend Defendant's Deadline to File Motion for Summary Judgment by One Week filed by Department of Justice, Electronic Frontier Foundation. (Bressler, Steven) (Filed on 11/2/2012) Modified on 11/5/2012 (cjl, COURT STAFF). (Entered: 11/02/2012)
11/05/2012	<u>38</u>	ORDER by Judge Yvonne Gonzalez Rogers granting <u>37</u> Stipulation re Summary Judgment [AS MODIFIED BY THE COURT] (fs, COURT STAFF) (Filed on 11/5/2012) (Entered: 11/05/2012)
11/05/2012		Set/Reset Deadlines as to Defendant's Motion for Summary Judgment filed 11/16/12; Plaintiff's Cross-Motion and Opposition due by 12/14/2012. Defendant's Opposition and Replies due by 1/4/2013. Plaintiff's Reply filed 1/18/13. Motions Hearing set for 2/19/2013 02:00 PM in Courtroom 5, 2nd Floor, Oakland before Hon. Yvonne Gonzalez Rogers. (fs, COURT STAFF) (Filed on 11/5/2012) (Entered: 11/05/2012)
11/15/2012	<u>39</u>	Letter to Judge Yvonne Gonzalez Rogers re release of classified information, from Steven Y. Bressler, dated 11/15/12. (Bressler, Steven) (Filed on 11/15/2012) Modified on 11/16/2012 (jlm, COURT STAFF). (Entered: 11/15/2012)
11/16/2012	<u>40</u>	MOTION for Summary Judgment filed by Department of Justice. Motion Hearing set for 2/19/2013 02:00 PM in Courtroom 5, 2nd Floor, Oakland before Hon. Yvonne Gonzalez Rogers. Responses due by 12/14/2012. Replies due by 1/4/2013. (Attachments: # <u>1</u> Declaration Unclassified Declaration of Mark A. Bradley, # <u>2</u> Declaration Declaration of Paul Colborn (and exhibits thereto), # <u>3</u> Declaration Declaration of David M. Hardy, # <u>4</u> Exhibit Exhibits to Declaration of David M. Hardy, # <u>5</u> Supporting Separate Statement of Material Facts, # <u>6</u> Proposed Order)(Bressler, Steven) (Filed on 11/16/2012) (Entered: 11/16/2012)
12/14/2012	<u>41</u>	Cross MOTION and [Proposed] Order for Summary Judgment <i>and Opposition to Defendant's Motion for Summary Judgment</i> filed by Electronic Frontier Foundation. Motion Hearing set for 2/19/2013 02:00 PM before Hon. Yvonne Gonzalez Rogers. Responses due by 1/4/2013. Replies due by 1/18/2013. (Attachments: # <u>1</u> Proposed Order)(Rumold, Mark) (Filed on 12/14/2012) Modified on 12/17/2012 (cjl, COURT STAFF). (Entered: 12/14/2012)
12/14/2012	<u>42</u>	Declaration of Mark Rumold in Support of <u>41</u> Cross MOTION for Summary Judgment <i>and Opposition to Defendant's Motion for Summary Judgment</i> filed by Electronic Frontier Foundation. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14)(Related document(s) <u>41</u>) (Rumold, Mark) (Filed on 12/14/2012) (Entered: 12/14/2012)

12/14/2012	<u>43</u>	Statement re <u>41</u> Cross MOTION for Summary Judgment <i>and Opposition to Defendant's Motion for Summary Judgment of Material Facts</i> by Electronic Frontier Foundation. (Rumold, Mark) (Filed on 12/14/2012) (Entered: 12/14/2012)
01/04/2013	<u>44</u>	Memorandum in Opposition re <u>41</u> <i>Cross Motion for Summary Judgment</i> , <u>40</u> <i>Motion for Summary Judgment</i> , filed by Department of Justice. (Attachments: # <u>1</u> Declaration Supplemental Declaration of Mark A. Bradley, # <u>2</u> Declaration of Steven Y. Bressler, # <u>3</u> Exhibit Defendant's Response to Plaintiff's Separate Statement of Additional Material Facts, # <u>4</u> Proposed Order)(Bressler, Steven) (Filed on 1/4/2013) Modified on 1/7/2013 (jlm, COURT STAFF). (Entered: 01/04/2013)
01/18/2013	<u>45</u>	Reply Memorandum re <u>41</u> <i>Cross Motion for Summary Judgment</i> , filed by Electronic Frontier Foundation. (Attachments: # <u>1</u> Declaration (Supplemental) of Mark Rumold)(Rumold, Mark) (Filed on 1/18/2013) Modified on 1/22/2013 (jlm, COURT STAFF). (Entered: 01/18/2013)
01/28/2013	<u>46</u>	STIPULATION WITH PROPOSED ORDER Requesting to Reschedule Hearing on Cross-Motions for Summary Judgment re <u>41</u> <i>Cross Motion for Summary Judgment</i> , <u>40</u> <i>Motion for Summary Judgment</i> , filed by Department of Justice, Electronic Frontier Foundation. (Bressler, Steven) (Filed on 1/28/2013) Modified on 1/29/2013 (jlm, COURT STAFF). (Entered: 01/28/2013)
01/31/2013	<u>47</u>	ORDER GRANTING STIPULATED REQUEST TO RESCHEDULE HEARING ON CROSS-MOTIONS FOR SUMMARY JUDGMENT AS MODIFIED BY THE COURT re <u>46</u> Stipulation. Motion Hearing set for 3/12/2013 02:00 PM in Courtroom 5, 2nd Floor, Oakland before Hon. Yvonne Gonzalez Rogers.. Signed by Judge Yvonne Gonzalez Rogers on 1/31/2013. (fs, COURT STAFF) (Filed on 1/31/2013) Modified on 2/1/2013 (jlm, COURT STAFF). (Entered: 01/31/2013)
03/12/2013	<u>48</u>	Minute Entry: Hearing held on 3/12/2013 before Judge Yvonne Gonzalez Rogers (Date Filed: 3/12/2013) Hearings re <u>41</u> Cross-Motion for Summary Judgment and Opposition to Defendant's Motion for Summary Judgment, <u>40</u> Motion for Summary Judgment filed by the Department of Justice is VACATED until further notice from the Court. (Court Reporter: Raynee Mercado.) (fs, COURT STAFF) (Date Filed: 3/12/2013) Modified on 3/14/2013 (jlm, COURT STAFF). (Entered: 03/13/2013)
03/26/2013	<u>49</u>	ORDER RE: FURTHER SUBMISSION ON CROSS-MOTIONS FOR SUMMARY JUDGMENT. Signed by Judge Yvonne Gonzalez Rogers on 3/26/13. (fs, COURT STAFF) (Filed on 3/26/2013) (Entered: 03/26/2013)
04/06/2013	<u>50</u>	NOTICE of Change of Address, filed by Electronic Frontier Foundation (Lynch, Jennifer) (Filed on 4/6/2013) Modified on 4/8/2013 (jlm, COURT STAFF). (Entered: 04/06/2013)
04/18/2013	<u>51</u>	RESPONSE to re <u>49</u> Order, <u>40</u> MOTION for Summary Judgment by Department of Justice. (Attachments: # <u>1</u> Declaration Supplemental Declaration of Mark A. Bradley and Unclassified Vaughn Index)(Bressler, Steven) (Filed on 4/18/2013) (Entered: 04/18/2013)
04/25/2013	<u>52</u>	ORDER DIRECTING PLAINTIFF TO SUBMIT RESPONSE TO DEFENDANT'S FURTHER SUBMISSION FILED APRIL 18, 2013. Signed by Judge Yvonne Gonzalez Rogers on 4/25/13. (fs, COURT STAFF) (Filed on 4/25/2013) (Entered: 04/25/2013)
05/03/2013	<u>53</u>	STIPULATION WITH PROPOSED ORDER to Enlarge by One Week Defendant's Time to File a Reply re <u>52</u> <i>Order</i> filed by Department of Justice, Electronic Frontier Foundation. (Bressler, Steven) (Filed on 5/3/2013) Modified on 5/7/2013 (jlm, COURT STAFF). (Entered: 05/03/2013)
05/08/2013	<u>54</u>	ORDER by Judge Yvonne Gonzalez Rogers granting <u>53</u> Stipulation to Enlarge Defendant's Time to File a Reply Brief. (fs, COURT STAFF) (Filed on 5/8/2013) (Entered: 05/08/2013)
05/08/2013		Set/Reset Deadlines as to <u>40</u> Motion for Summary Judgment. Replies due by 5/23/2013, per <u>54</u> <i>Order</i> . (jlm, COURT STAFF) (Filed on 5/8/2013) (Entered: 05/09/2013)

05/09/2013	<u>55</u>	RESPONSE to re <u>51</u> defendant's further submissions by Electronic Frontier Foundation. (Rumold, Mark) (Filed on 5/9/2013) Modified on 5/10/2013 (cpS, COURT STAFF). (Entered: 05/09/2013)
05/23/2013	<u>56</u>	Reply Memorandum in RESPONSE to <u>49</u> Order, <u>52</u> Order, filed by Department of Justice. (Bressler, Steven) (Filed on 5/23/2013) Modified on 5/24/2013 (jlm, COURT STAFF). (Entered: 05/23/2013)
06/07/2013	<u>57</u>	***ERRONEOUS ENTRY, PLEASE SEE DOCUMENT NO. <u>59</u>*** NOTICE and Request That Court Hold the Cross-Motions for Summary Judgment in Abeyance, filed by Department of Justice (Bressler, Steven) (Filed on 6/7/2013) Modified on 6/10/2013 (jlm, COURT STAFF). Modified on 6/11/2013 (jlm, COURT STAFF). (Entered: 06/07/2013)
06/10/2013	<u>58</u>	CLERKS NOTICE OF DEFICIENCY RE <u>57</u> (jlm, COURT STAFF) (Filed on 6/10/2013) (Entered: 06/10/2013)
06/10/2013	<u>59</u>	STIPULATION WITH PROPOSED ORDER Requesting the Court Hold in Abeyance the Parties' Cross-Motions for Summary Judgment re <u>41</u> <i>Cross-Motion for Summary Judgment and Opposition to Defendant's Motion for Summary Judgment</i> , <u>40</u> <i>Motion for Summary Judgment</i> , filed by Department of Justice, Electronic Frontier Foundation. (Bressler, Steven) (Filed on 6/10/2013) Modified on 6/11/2013 (jlm, COURT STAFF). (Entered: 06/10/2013)
06/11/2013	<u>60</u>	ORDER by Judge Yvonne Gonzalez Rogers granting <u>59</u> Stipulation that the Court hold the Cross-Motions for Summary Judgment in Abeyance. Status report to be filed by 7/12/2013. (fs, COURT STAFF) (Filed on 6/11/2013) (Entered: 06/11/2013)
07/12/2013	<u>61</u>	STATUS REPORT (<i>Joint</i>) by Department of Justice, Electronic Frontier Foundation. (Bressler, Steven) (Filed on 7/12/2013) (Entered: 07/12/2013)
07/19/2013	<u>62</u>	ORDER RE: HOLDING CROSS-MOTIONS FOR SUMMARY JUDGMENT IN ABEYANCE. Joint Statement to be filed by 9/4/2013. Signed by Judge Yvonne Gonzalez Rogers on 7/19/13. (fs, COURT STAFF) (Filed on 7/19/2013) (Entered: 07/19/2013)